REMARKS

After entry of the amendments *supra*, claims 46-54, 56-71, 73-86, 88-101, 103-123, and 125-136 are pending in this application. Claims 46, 49, 51-54, 56-59, 61, 68-71, 73-78, 80, 81, 84-86, 88-91, 93, 98-101, 103-106, 113, 116, 118, 119, 122, 123, 125-128, 134 and 135 have been amended. Applicants have previously filed a Response to Restriction Requirement, electing Group IV, compositions comprising nucleic acids, and methods of making and using the compositions, without traverse. Claims 46, 68, 69, 74, 75, 77, 78, 98, 99, 104, 105, 113, 116, 134 and 135 have been amended accordingly. Claims 55, 72, 87, 102 and 124 have been cancelled as being redundant in view of amended claims 46, 68, 77, 98 and 113. Claims 51, 56, 61, 76, 81, 88, 93, 106, 119 and 125 have been amended to remove redundancies therein caused by amendments to claims 46, 74, 77, 105 and 113. Claims 53 and 78 have been amended to correct typographical errors. No new matter is believed to have been introduced by the amendments. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any subject matter of the claims as previously presented. Applicants expressly reserve the right to pursue any unclaimed subject matter in one or more continuation applications.

Attached hereto is a marked-up version of the changes made to the claims by the current amendments. The attached page is captioned "**Version with markings to show changes made**".

Double Patenting

Claims 113, 115, 116, 118-120 and 122-135 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-33, 35-44, and 46 of U.S. Patent No. 6,008,202. Applicants will file a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) upon receipt of a Notice of Allowance.

Rejections under 35 USC § 112, first paragraph

Claims 113 and 115-136 stand rejected as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse this rejection, submitting that the claims reciting intratumoral, intratracheal, and intramuscular routes of administration are supported by the specification as originally filed. See, *inter alia,* page 27 lines 24-26 of the specification. Reconsideration and withdrawal of this rejection is respectfully requested.

Enablement

Claims 46-136 stand rejected because the specification allegedly does not reasonably provide enablement for a composition, or a method of administering the composition, wherein the composition comprises a net neutral or net negative charge, wherein the composition comprises any gene other than E1A, wherein the composition comprises a targeting ligand, or wherein the composition is administered systemically. Applicants respectfully traverse this rejection.

The specification teaches how to make the claimed compositions as well as methods for their use. For example, the specification teaches that the complexes may have a net neutral or negative charge (see, *e.g.*, p. 5 lines 10-13). The nucleic acid may be, for example, a nucleic acid which is capable of directing protein expression, and may be inserted by routine methodology into plasmid expression vectors. Examples include, for instance, a gene product having therapeutic utility, or a reporter gene (see, *e.g.*, p. 17 lines 16-17, p. 24 lines 5-8, and p.25 lines 13-17). Methods for determining net charge and for making the complexes are disclosed at, for example, p.15-p.17 line 5, p. 17 lines 17-25, and p. 21 lines 1-9. Suitable targeting factors which may be included in the complex are described, for example, at p. 21 lines 21-27. Methods for administering the complexes may be found at, for example, p. 27 lines 24-26.

The Examiner asserts that "[t]he intended use of the claimed compositions and methods is considered to be gene therapy. The specification does positively not assert any other utility for the claimed invention." Applicants respectfully submit that other utilities for the claimed compositions and methods are disclosed in the specification as filed. The specification states that "[t]he present invention relates to cationic lipids and their use as vehicles for the transfer of nucleic acids or other macromolecules, such as proteins, into cells" (p.1 lines 5-6), and is not solely directed towards gene therapy. For example, the specification describes transfection of cells with reporter genes such as the chloramphenicol acetyl transferase gene, the luciferase gene, the β-galactosidase gene, the alkaline phosphatase gene, and the green fluorescent protein gene (see, *inter alia*, p. 24 lines 5-8). Examples 4, 12 and 17 further describe *in vitro* and *in vivo* transfection of cells with the luciferase reporter gene. Transfection of cells using reporter genes may be used, for example, for endocrine or exocrine gland uptake studies, or to target a particular tumor or diseased cell type for diagnostic imaging purposes.

Applicants respectfully question whether the Examiner's general discussion about gene therapy with respect to the claimed compositions and methods of making the compositions is appropriate. Claims 46-54, 56-67, 77-86, 88-97 and 107-112 are directed to complexes, and claims 68-71, 73, 98-101 and 103 claim methods of making the complexes. As noted above, the specification describes such complexes as well as methods for making such complexes.

Regarding the Examiner's objection to a lack of a working example of these compositions in gene therapy, Applicants respectfully submit that a working example is not a requirement for allowable claims. The Examiner further objects that "it is not clear that negative or neutral compositions would provide the same benefit as the positively charged versions." There is no legal requirement that the claims of the instant invention provide the same benefit as the positively charged versions of the '202 patent.

Regarding the claims comprising a targeting factor, Applicants direct the Examiner's attention to claims 1 and 8 of U.S. Pat. No. 6,008,202 (the "'202 patent"). Independent claim 77 merely adds a targeting factor as a limitation to the composition of claim 8 of the '202 patent. As the Examiner states, the '202 patent is presumed valid, and therefore the complexes claimed therein are presumed enabled. Similarly, instant claim 98 directed to methods for making the complexes merely adds a targeting ligand to issued claim 31. Regarding the method of use claims, instant claim 104 limits the drug to a nucleic acid and adds a targeting factor to issued claim 35. Targeting factors are described in the specification at, *inter alia,* p. 21 lines 21-27. The Examiner refers to the following references: (Perales *et al.* PNAS 91:4086-4090 (4/1994a); Schlepper-Schaefer *et al.* (Exp. Cell Res. (1986); and Perales *et al.* (Eur. J. Biochem. 226:255-266 (1994b)). Perales *et al.* (1994a) relates to receptor-mediated gene transfer using a gene condensed with galactosylated poly(L-lysine) by titration with NaCl. Schlepper-Schaefer *et al.* relates to intrahepatic binding and uptake of variously sized gold sols coated with galactose exposing glycoproteins or lactosylated BSA. Perales *et al.* (1994b) relates to receptor-mediated gene transfer with complexes comprising DNA, a protein containing the receptor-targeting ligand, and a linking polycation, usually poly-(L-lysine). None of these references are directed to liposome complexes, such as the nucleic acid/lipid/polycationic polypeptide salt complexes of the instant invention. The Examiner has not provided support that the conclusions of the applied publications would be applicable to the instant invention complexes and methods. Regarding Genentech Inc. v. Novo Nordisk A/S, which states: "when there is no disclosure of any starting material or of any of the conditions under which a process can be carried out, undue experimentation is required," Applicants submit that suitable types of targeting factors are disclosed (see, *e.g.*, p.21 lines 21-27), as well as how to make and use the compositions (see, *e.g.*, p.15-p.17 line 5, p. 17 lines 17-25, p. 21 lines 1-9, and p.27 lines 24-26).

Regarding delivery of the complexes systemically, the specification teaches the the complexes may be delivered as aerosols or as liquid solutions for intratumoral, intravenous,

intratracheal, intraperitoneal, and intramuscular administration (p. 27 lines 24-26). Further, methods of administering liposomes are known in the art, and need not be elaborated in the specification.

Accordingly, Applicants assert that the instant claims are enabled, and respectfully request withdrawal of the Enablement Rejection.

Rejections under 35 USC § 112, second paragraph

Claims 49, 52-54, 59, 68, 73, 76, 81-86, 91, 103, 106, 110-112, 118-123 and 128 are rejected as allegedly indefinite because they recite "the polycationic polypeptide" without antecedent basis. The claims have been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 57, 58, 68, 70, 71, 76, 89, 90, 100, 101, 106, 126 and 127 are rejected as allegedly indefinite because they recite "the lipid" without antecedent basis. The claims have been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 49, 80 and 118 are rejected as allegedly indefinite because they recite the phrase "at least about." Specifically, the Examiner asserts that the words "at least" require a lower limit on the amount of an article in a composition, and the word "about" renders the lower limit indefinite. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the use of the term "about" does not render claims using this term indefinite. It is well established that the use of a relative term does not render a claim indefinite under 35 USC § 112, second paragraph. See Seattle Box Co. v. Industrial Crating & Packaging, Inc., 731 F.2d 818, 221 USPQ 568 (Fed. Cir. 1984) (stating that the fact

that the claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite); see also U.S. Patent & Trademark Office, Manual of Patent Examining Procedure § 2173.05(b). Claims are definite where "the claims, read in light of the specification, reasonably apprise those skilled in the art and are as precise as the subject matter permits. As a matter of law, no court can demand more." Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 1385, 231 USPQ 81, 94, 95 (Fed. Cir. 1986).

Moreover, the term "about" is accepted and widely used in patent practice and is clearly acceptable under the law. The word "about" does not have a universal meaning in patent claims; rather, its meaning depends on the technological facts of the particular case. Pall Corp. v. Micron Separations, Inc., 66 F.3d 1211, 1217-18 (Fed. Cir. 1995); see also U.S. Patent & Trademark Office, Manual of Patent Examining Procedure § 2173.05(b). "About" is neither broad nor arbitrary, but rather serves as a flexible term with a meaning similar to "approximately." Conopco, Inc. v. May Dep't Stores Co., 46 F.3d 1556, 1561 (Fed. Cir. 1994); see also Ex parte Eastwood, 163 USPQ 316 (Brd. App. 1968). In Hybritech, supra, the limitation "at least about 10^8 liters/mole" was found to be definite in view of the specification and the inexact nature of the subject matter. Id. Similarly, in W.L. Gore & Assoc., Inc. v. Garlock, Inc., 721 F.2d 1540, 1557 (Fed. Cir. 1983), the phrase "exceeding about" was found to be definite, and in Modine Mfg. Co. v. Int'l Trade Comm'n, 75 F.3d 1545, 37 USPQ2d 1609 (Fed. Cir. 1996), the phrase "about 0.015-0.040" was found to be definite. See Modine Mfg., 721 F.2d at 1545 (stating that "mathematical precision should not be imposed for its own sake; the patentee has the right to claim the invention in terms that would be understood by persons of skill in the art").

As a further example, Applicants performed a search of U.S. Patents issued between January 1, 2001 and August 2, 2001 in which the phrase "least about" was within 5 words of "amino acid" in the claims. Applicants direct the Examiner's attention to the 15 patents found in the search (U.S. Patent Nos. 6,268,471; 6,268,198; 6,268,135; 6,261,818; 6,258,590; 6,248,536; 6,248,517; 6,242,566; 6,232,449; 6,228,835; 6,228,620; 6,214,355; 6,210,718;

6,190,189; and 6,183,962), in which the phrase "at least about" is used in the claims to describe a length of a claimed amino acid, the % sequence identity or homology of a claimed amino acid to another amino acid sequence, or the % by weight of amino acids included in a formulation.

Applicants submit that the use of the phrase "at least about" in the present application is acceptable under the law, and, in view of the disclosed subject matter, the specification, and the cited caselaw, it is entirely appropriate to describe the % content of arginine and/or lysine residues in an amino acid sequence with the phrase "at least about." Accordingly, Applicants respectfully request withdrawal of this rejection.

CONCLUSION

Applicants have, by way of the remarks presented herein, made a sincere effort to overcome the rejections and address all issues that were raised in the outstanding Office Action. Accordingly, reconsideration and allowance of the pending claims are respectfully requested. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 226272002201. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: September 17, 2001 By: _____

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

46. (Amended) A [drug/lipid/polycationic] nucleic acid/lipid/polycationic polypeptide salt complex comprising a [drug] nucleic acid, at least one lipid species, and at least one polycationic polypeptide salt, wherein the complex has a net neutral or a net negative charge.

47. The complex of claim 46, wherein the complex has a net neutral charge.

48. The complex of claim 46, wherein the complex has a net negative charge.

49. (Amended) The complex of claim 46 wherein, in the at least one polycationic polypeptide salt, arginine residues constitute at least about 30 % of the amino acid residues, and lysine residues constitute less than about 5 % of the amino acid residues of the polypeptide.

50. The complex of claim 46, wherein the complex comprises a positively charged surface.

51. (Amended) [A nucleic acid/lipid/polycationic polypeptide complex comprising a nucleic acid, at least one lipid species, and at least one polycationic polypeptide, wherein the complex has a net neutral or net negative charge, and] The complex of claim 46 wherein, in the at least one polycationic polypeptide, arginine residues constitute about 65 to 75 % of the amino acid residues, and lysine residues constitute about 0 to 3% of the amino acid residues of the polypeptide.

52. (Amended) The complex of claim 46, wherein the at least one polycationic polypeptide salt is a sulfate salt.

53. (Amended) The complex of claim 46, wherein the at least one polycationic polypeptide salt comprises an ion having two negative charges.

54. (Amended) The complex of claim 46, wherein the at least one polycationic polypeptide salt is a protamine sulfate.

55. (Cancelled)

56. (Amended) The complex of claim [55] 46, wherein the nucleic acid comprises an E1A gene.

57. (Amended) The complex of claim 46, wherein the at least one lipid is a cationic lipid.

58. (Amended) The complex of claim 46, wherein the at least one lipid is 3ß[N-(N', N'-dimethylaminoethane)-carbamoyl]cholesterol (DC-Chol).

59. (Amended) The complex of claim 46, wherein the at least one polypeptide is from about 20 to about 100 amino acids in length.

60. The complex of claim 46, wherein the complex further comprises a neutral phospholipid species.

61. (Amended) The complex of claim [55] 46, wherein the ratio of the nucleic acid:lipid:polycationic polypeptide salt is about 1 µg/0.1 nmol/0.01 µg to about 1 µg/200 nmol/100 µg.

62. The complex of claim 46, wherein the complex has a diameter of less than about 400 nm.

63. The complex of claim 46, wherein the complex is shielded.

64. The complex of claim 46, further comprising a compound comprising polyethylene glycol moieties.

65. The complex of claim 50, wherein the complex is shielded.

66. The complex of claim 65, wherein the complex comprises a compound comprising polyethylene glycol moieties.

67. The complex of claim 46, further comprising a lipophilic surfactant.

68. (Amended) A method for producing a [drug/lipid/polycationic] nucleic acid/lipid/polycationic polypeptide salt complex of claim 46, the method comprising combining the [drug] nucleic acid, the at least one lipid and the at least one polycationic polypeptide salt to form the complex.

69. (Amended) The method of claim 68, wherein the [drug] nucleic acid, lipid and polycationic polypeptide salt are mixed in a ratio of about 1 μg/0.1 nmol/0.01 μg to 1 μg/200 nmol/100 μg.

70. (Amended) The method of claim 68, wherein the at least one lipid is a cationic lipid.

71. (Amended) The method of claim 70, wherein the at least one cationic lipid is 3ß[N-(N', N'-dimethylaminoethane)-carbamoyl]cholesterol (DC-Chol).

72. (Cancelled)

73. (Amended) The method of claim 69, wherein the at least one polycationic polypeptide salt is a protamine sulfate.

74. (Amended) A method for delivering [drug] nucleic acid to cells comprising contacting the cells with the complex of claim 46.

75. (Amended) The method of claim 74, wherein the cells are contacted with the complex *in vivo*, the method comprising administering the complex to an animal or human in an amount effective to deliver the [drug] nucleic acid into the cells of the animal or the human.

76. (Amended) The method of claim 74, wherein [the drug comprises a nucleic acid,] the at least one lipid is 3ß[N-(N', N'-dimethylaminoethane)-carbamoyl]cholesterol (DC-Chol), and the at least one polycationic polypeptide salt is a protamine sulfate.

77. (Amended) A [drug/lipid/polycationic] nucleic acid/lipid/polycationic polypeptide salt complex comprising a [drug] nucleic acid, at least one lipid species, and at least one polycationic polypeptide salt, wherein the complex further comprises a targeting factor.

78. (Amended) The complex of claim 77, comprising a [drug] nucleic acid, at least one lipid species, and at least one polycationic polypeptide salt in a ratio such that the complex has a positive charge excess of lipid and polycationic polypeptide salt to [drug] nucleic acid.

79. The complex of claim 77, wherein the complex has a net neutral or net negative charge.

80. (Amended) The complex of claim 77 wherein, in the at least one polycationic polypeptide salt, arginine residues constitute at least about 30 % of the amino acid residues, and lysine residues constitute less than about 5 % of the amino acid residues of the polypeptide.

81. (Amended) [A nucleic acid/lipid/polycationic polypeptide complex comprising a nucleic acid, at least one lipid species, and at least one polycationic polypeptide,] The complex of claim 77 wherein, in the at least one polycationic polypeptide, arginine residues constitute about 65 to 75 % of the amino acid residues, and lysine residues constitute about 0 to 3% of the amino acid residues of the polypeptide[, wherein the complex further comprises a targeting factor].

82. The complex of claim 81, wherein the complex has a net positive charge.

83. The complex of claim 81, wherein the complex has a net neutral or net negative charge.

84. (Amended) The complex of claim 77, wherein the at least one polycationic polypeptide salt is a sulfate salt.

85. (Amended) The complex of claim 77, wherein the at least one polycationic polypeptide salt comprises an ion having two negative charges.

86. (Amended) The complex of claim 77, wherein the at least one polycationic polypeptide salt is a protamine sulfate.

87. (Cancelled)

88. (Amended) The complex of claim [87] 77, wherein the nucleic acid comprises an E1A gene.

89. (Amended) The complex of claim 77, wherein the at least one lipid is a cationic lipid.

90. (Amended) The complex of claim 77, wherein the at least one lipid is 3ß[N-(N', N'-dimethylaminoethane)-carbamoyl]cholesterol (DC-Chol).

91. (Amended) The complex of claim 77, wherein the at least one polypeptide is from about 20 to about 100 amino acids in length.

92. The complex of claim 77, wherein the complex further comprises a neutral phospholipid species.

93. (Amended) The complex of claim [87] 77, wherein the ratio of the nucleic acid:lipid:polycationic polypeptide salt is about 1 µg/0.1 nmol/0.01 µg to about 1 µg/200 nmol/100 µg.

94. The complex of claim 77, wherein the complex has a diameter of less than about 400 nm.

95. The complex of claim 77, wherein the complex is shielded.

96. The complex of claim 77, further comprising a lipophilic surfactant.

97. The complex of claim 77, further comprising a compound comprising polyethylene glycol moieties.

98. (Amended) A method for producing a [drug/lipid/polycationic] nucleic acid/lipid/polycationic polypeptide salt complex of claim 77, the method comprising combining the [drug] nucleic acid, the lipid, the polycationic polypeptide salt, and the targeting factor to form the complex.

99. (Amended) The method of claim 98, wherein the [drug] nucleic acid, lipid and polycationic polypeptide salt are mixed in a ratio of about 1 µg/0.1 nmol/0.01 µg to 1 µg/200 nmol/100 µg.

100. (Amended) The method of claim 98, wherein the at least one lipid is a cationic lipid.

101. (Amended) The method of claim 100, wherein the at least one cationic lipid is 3ß[N-(N', N'-dimethylaminoethane)-carbamoyl]cholesterol (DC-Chol).

102. (Cancelled)

103. (Amended) The method of claim 98, wherein the at least one polycationic polypeptide salt is a protamine sulfate.

104. (Amended) A method for delivering [drug] nucleic acid to cells comprising contacting the cells with the complex of claim 77.

105. (Amended) The method of claim 104, wherein the cells are contacted with the complex *in vivo*, the method comprising administering the complex to an animal or human in an amount effective to deliver the [drug] nucleic acid into the cells of the animal or the human.

106. (Amended) The method of claim 105, wherein [the drug comprises a nucleic acid,] the at least one lipid is 3ß[N-(N', N'-dimethylaminoethane)-carbamoyl]cholesterol (DC-Chol), and the at least one polycationic polypeptide salt is a protamine sulfate.

107. The complex of claim 77, wherein the targeting factor is selected from the group consisting of modified lipids, proteins, polycations and receptor ligands.

108. The complex of claim 77, wherein the targeting factor is selected from the group consisting of asialoglycoprotein, insulin, low density lipoprotein (LDL), folate, monoclonal antibodies and polyclonal antibodies.

109. The complex of claim 77, wherein the targeting factor is directed to a cell type selected from the group consisting of liver, blood, endothelial and tumor cells.

110. The complex of claim 81, wherein the targeting factor is selected from the group consisting of modified lipids, proteins, polycations and receptor ligands.

111. The complex of claim 81, wherein the targeting factor is selected from the group consisting of asialoglycoprotein, insulin, low density lipoprotein (LDL), folate, monoclonal antibodies and polyclonal antibodies.

112. The complex of claim 81, wherein the targeting factor is directed to a cell type selected from the group consisting of liver, blood, endothelial and tumor cells.

113. (Amended) A method of administering a [drug] nucleic acid to a human or animal, the method comprising administering to the human or animal a [drug/lipid/polycationic] nucleic acid/lipid/polycationic polypeptide salt complex comprising a [drug] nucleic acid, at least one lipid species, and at least one polycationic polypeptide salt, wherein the complex is administered intratumorally, intravenously, intratracheally, intraperitoneally or intramuscularly.

114. The method of claim 113, wherein the complex is administered intraveneously.

115. The method of claim 113, wherein the complex is administered as an aerosol or liquid solution.

116. (Amended) The method of claim 113, wherein the complex comprises a [drug] nucleic acid, at least one lipid species, and at least one polycationic polypeptide salt in a ratio such that the complex has a positive charge excess of lipid and polycationic polypeptide to [drug] nucleic acid.

117. The method of claim 113, wherein the complex has a net neutral or net negative charge.

118. (Amended) The method of claim 113, wherein, in the at least one polycationic polypeptide salt, arginine residues constitute at least about 30 % of the amino acid residues, and lysine residues constitute less than about 5 % of the amino acid residues of the polypeptide.

119. (Amended) [A method of administering a nucleic acid to a human or animal, the method comprising administering to the human or animal a nucleic acid/lipid/polycationic polypeptide complex comprising a nucleic acid, at least one lipid species, and at least one polycationic polypeptide,] The method of claim 113 wherein, in the at least one polycationic polypeptide, arginine residues constitute about 65 to 75 % of the amino acid residues, and lysine residues constitute about 0 to 3% of the amino acid residues of the polypeptide[;

wherein the complex is administered intratumorally, intravenously, intratracheally, intraperitoneally or intramuscularly].

120. The method of claim 119, wherein the complex has a net positive charge.

121. The method of claim 119, wherein the complex has a net neutral or net negative charge.

122. (Amended) The method of claim 113, wherein the at least one polycationic polypeptide salt is a sulfate salt.

123. (Amended) The method of claim 113, wherein the at least one polycationic polypeptide salt is a protamine sulfate.

124. (Cancelled)

125. (Amended) The method of claim [124] 113, wherein the nucleic acid comprises an E1A gene.

126. (Amended) The method of claim 113, wherein the at least one lipid is a cationic lipid.

127. (Amended) The method of claim 113, wherein the at least one lipid is 3ß[N-(N', N'-dimethylaminoethane)-carbamoyl]cholesterol (DC-Chol).

128. (Amended) The method of claim 113, wherein the at least one polypeptide is from about 20 to about 100 amino acids in length.

129. The method of claim 113, wherein the complex further comprises a neutral phospholipid species.

130. The method of claim 113, wherein the complex has a diameter of less than about 400 nm.

131. The method of claim 113, wherein the complex is shielded.

132. The method of claim 113, wherein the complex further comprises a lipophilic surfactant.

133. The method of claim 113, wherein the complex further comprises a compound comprising polyethylene glycol moieties.

134. (Amended) The method of claim 113, wherein the [drug] nucleic acid, lipid and polycationic polypeptide salt are present in a ratio of about 1 μg/0.1 nmol/0.01 μg to 1 μg/200 nmol/100 μg.

135. (Amended) The method of claim 113, comprising administering the complex to an animal or human in an amount effective to deliver the [drug] nucleic acid into cells of the animal or the human.

136. The method of claim 113, wherein the complex further comprises a targeting factor.